

Rights of Children in Islam and Responsibility of the Society towards Them

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Abstract:

Rearing up of a child in a proper way is the burning issue of the third world countries, especially in Bangladesh. Recently we have seen most of the educated people are careless and insincere to the rights of child. Aristocrats violate the rights of child in most cases. The educated and rich people even appoint the child for domestic work in Bangladesh and deprive them from their educational and cultural rights and torture mercilessly. Someone earns money with the help of child appointing in inhuman work. So, it is a common phenomenon that a child is not able to take the responsibility of household work and others because of immaturity of health and mind. For lack of love and affections a child may become physically and mentally disable and back warded. But the Holy Quran and Prophet (s) emphasize to build up health, mind, education, culture, carrier and character of them. Islam has given many injunctions and made obligatory duty about marital contact, unborn child, genetic purity, maternity, birth, food and nutrition of mother and child, suckling milk, environment, gender discrimination, independence and social responsibility to childcare only to protect the rights of children. As children are the gift of Allah and the half of the nation of the world, protecting them from all kinds of alarming and dangerous situations is also the important duty of the guardians. In this paper, the research focuses how Islam ensures the rights of children and what are the obligatory duties of the Muslims to them.

Key Words: Children, Islam, Rights, Responsibility and Present World

Definition of child

Etymologically, the term child comes from the Latin infants which mean “the one which does not speak”. For the Roman, this term designates the child from its birth, up to the age of 7 years. The Convention on the Rights of the Child of 1989 defines more precisely the term child: a child is any human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier. The idea through this definition and all the texts concerning child welfare is that the child is a human being with rights and dignity. (Rahman, 2016, p.158)

Definition of rights

Though right is the very small word but its application and significance are wide and deep. Professor Lasky says: “My rights are built always upon my function to the well being of society; and the claim I make must, clearly enough, be claims that are necessary to the proper performance of my function.” (Zaman, Kamru, 2017, P.66) But the rights of children are determined by Allah. Manmade constitutions also made mandatory duty on living people to protect the rights of children.

1. Rights of getting an ideal mother:

In the time of making marital contact, Islam made obligatory duty on father to give as gift an ideal mother to the newly born child. That is Islam ensured the rights of child in the time of deciding marital contact. Prophet (s) says: “A woman is married for four things-for her property, for her accomplishments, for her beauty, and for her religion. Select one having religions treatment. May your hands cleave to the dust?” (Karim, 2009, P.600). Prophet again strongly warned the guardians, relatives and the bridegroom: ‘Choose where deposit your sperm, for the line of decent is conducive’. (Ibn Maja, vol. 03, P. 180)

Islam declares, by the mixing of sperm from husband-wife, Allah creates son and daughters. Quran says: “Verily, We have created men from drops of mixed semen (sexual discharge of man and woman”. (Al-Quran, Surah Ad Dahr, Ayat No. 02). In case of choosing mother of the coming child prophet (s) says: “When you are sought in marriage by one whom you are pleased with for his religion and for his character, get yourself married to him. If you do not do it, there will be distress in the world and widespread dissension.” (Karim, Vol, 02, P.600) This Hadith proves that the coming child deserves to get honest and pious mother by the help of its father.

2. Right to unborn child

Islam has instructed the parents to ensure the rights of unborn child that means in the abdomen of mother. Islam reduces the obligatory duty (like prayer, Hajj, Fasting etc.) from her life in the pregnancy time, as if the unborn child does not face any problem. Proper caring and treatment to the pregnant mother is the Sadakah (donation) in Islam.

3. Abortion, killing and unmindful attitude is fully forbidden in Islam

Allah is the creator who gives all kinds of food and accommodation. He also allocates and accommodates everything for the child. Because He has forbidden above mentioned activities. The Holy Quran warns us: “Kill not your children because of poverty, We provide sustenance for you and for them, Come not near to illegal sexual intercourse whether committed openly and secretly and Kill not any one whom Allah has forbidden except for a just cause.” (*Al-Quran, Surah An-aam, Ayat No.151*) Killing child for fearing of shortages of food is a great sin in Islam: “Kill not your children for fear of want, we provide sustenance for them and for you. Their killing is a great sin”. (*Al-Quran, Surah Israh, Ayat No.31*) He again says: “And do not kill anyone whose killing Allah has forbidden except for a just cause and whoever is killed wrongfully, we have given his heir the authority”. (*Al-Quran, Surah Israh, Ayat No.34*) The result of killing un-born and born child will destroy the destiny of the people: “Indeed, lost are they who have killed their children foolishly without knowledge and have forbidden that which Allah has provided for them, inventing a lie against Allah. They have indeed gone astray and were not guided.” (*Al-Quran, Surah An-aam, Ayat No.140*) According to gynecologists a women may lose the power of maternity and pregnancy because of abortion in her life. The health and future of this woman face risk in the society. Though Muslim jurists do not support any kind of abortion, rather they opine all kinds of responsibility will go to the owner of sperm, who kept it in the uterus legally or illegally.

4. Suckling milk by mother:

Allah allocated milk for new born child to fulfill its food and nutrition naturally. It is out of human imagination how it is produced by Him. The baby deserves to suckle milk. The Quran mentions: “The mother should give suck to their children for whole two years for those who desire to complete the term of suckling.” (*Al-Quran, Surah Baqarah, Ayat No.232*) The other verse supports: “And we have enjoined on man to be dutiful and kind to his parents. His mother bears him with hardship and she brings him forth with hardship and the bearing of

him and the weaning of him is 30 months.” (*Al-Quran, Surah Ahkaf, Ayat No.15*) So, responsible persons should not deprive a child from its rights of suckling milk. According to doctors, the milk of mother helps to strengthen all parts and joints of the body of child. This milk helps to grow mental, physical and psychological development of the child in future. All physical and child specialists spontaneously say: healthy mother may give birth healthy child. A mother is the centre of all actions in the life of child.

5. Right to love, affections and the children’s priority:

Prophet (s) emphasizes on giving love and affection to the child. He says: “He is not of us who is not kind to our juniors, and shows no respect to our elders nor bids what is good nor for bids what is wrong.” (*Karim, Vol.01, P.243*) In family life, child will get priority to enjoy all kinds of facilities. Prophet (s) could consider the children first to distribute anything, like fruits, sweets etc. He could not do any work which could be harmful and dangerous for children. He could not tolerate the crying of the kids. When he listened the crying of the kids, he shortened the prayer. The following tradition proves the love and affection of Prophet to the child: “When I start the prayer I intend to prolong it. But on hearing the cries of a child, I cut short the prayer because I know that the cries of the child will incite its mother’s passions.” (*Bukhari, 1985, P.382*)

One day Prophet (s) was listening the crying word of his grandson Hossain. He became angry to his daughter Fatima (R) and threatening her he said “Would not you know the crying of child make sorrow me?” In another day prophet (s.) was delivering speech inside the mosque in front of gathering. Suddenly he saw his grand sons Hasan and Hossain falling by slippery place. Stopping his speech, he came down and took them at his lap and again went up at podium and told: “I saw Allah’s Messenger delivering a sermon. Then Hasan and Hossain (R.) came forth. They were putting on two red shirts stumbling and standing upon this Holy Prophet (s) descended (from the pulpit) caught hold of them and seated them in his lap and then said “Allah and His Messenger have spoken the truth: Verily, your properties and your descendants are a trial, I saw these two chaps and could not show patience. Then he resumed his sermon.” (*Ibn Majah, 2013, P.88*)

6. Child is the best property in the world:

Kids are the heart touching property for human being. They bring peace and attraction in the eye and heart of people. Sometimes, they remove sorrow and disturbance from family life.

The Quran encourages to ask Allah: “Our Lord! Bestow on us from our wives and our offspring the comfort of our eyes and make us leaders of the pious.” (*Al-Quran, Surah Al Forkan, Ayat No.74*) The Quran also addressed the child as a great beauty of the world: “Wealth and children are the adornment of the life of the world but the good righteous deeds that last are better with your Lord for rewards and better in respect of hope.” (*Al-Quran, Surah Al Ahkaf, Ayat No.46*) Prophet (s) compares it with the perfume of Heaven. (*Karim, Vo.01, P.196*)

So, to keep the great beauty in future; property, nursing, educating, love and affection are the mandatory duty on relevant person. Islam declares that nursing the children properly is the way of reaching very near to Allah the Almighty. Prophet (s) reminded us only for the child Allah is considering us from His great punishment.

Responsibility of the society to the children

Children are considered vulnerable in any society and they need special care and protection. All over the world a considerable number of children face abuse, violence and exploitation within the family, schools and other institutions. Recognition of child rights entails responsibility on parents, communities, the state and children themselves. (*Al Faruque, 2015, P. 235*)

Islam has given more importance to the rights of the children specially daughters from all aspects of life. In the eye of Prophet (s): “And whosoever maintains daughter or similar numbers of sisters and gives them training of good manners and is kind to them till Allah makes them free from wants. Allah will make paradise sure for him.” (*Karim, 2009, P.260*) It is a great opportunity for the believers to stay with Prophet Muhammad (s) in the day of Resurrection by this action. He gives us good news for this action. (*Muslim, Vol.02, 2013, P.946*) “He who brought up two girls properly until they grow up he and I will come on the Day of Resurrection, and he interlaced his fingers. (for explaining the point of nearness between him and that person). (*Muslim, 2013 P.946*)”

Showing negligence to the child is a great sin in Islam: “This is enough sin for a man withholds the subsistence from those whom he owns.” (*Muslim, P. 458*) Spending for family members and taking the responsibility of them is the best donation (*Sadakah*). Prophet indicates that: “The best of the dinars that which man spends on his dependants and that

which he spends on his beast in the cause of Allah, and that which he spends on his companions in the cause of Allah.” (*Muslim, Vol. 01, 2013, P. 459*)

1. The responsibility of parents about taking care:

Mother is the first school of the children and a source of heavy impact on the kids manner and character. Children are a trust (*Amanat*) as gift given to the parents, society and state. The regarded persons are responsible for this trust on the Day of Resurrection. Father and mother are specifically responsible for the moral, ethical and essential religious training of their children. It is very important to offer the child comparable take care in terms of spiritual guidance, educational and religious training. The heart of a child must be filled with a faith. Prophet says: “There is piece of flesh in the body if it becomes good (reformed) the whole body gets spoilt and that is the heart.” (*Bukhari, 1985, P.44*) The mind of the child must enjoy with proper guidance, knowledge and wisdom. If they get proper treatment from all aspects of life, they will become better citizens and a source of pleasure to the eyes of parents.

Most of the parents are careless and unmindful about the important time of their children spend with no benefits. Who are their friends and who are their associates? Where are they going? Some parents neglect even to instruct, direct or guide their children to the proper way of life, behavior or even right attitudes towards others. (*Ahmed, 2011 p. 19*) In Islam education (*Tarbiyat*) is not limited to bookish or academic knowledge but it includes moral and religious training also. It builds the personality of the children from all sides of life. Father and mother should sacrifice their leisure time and social activities to take interest in child’s studies, especially when they are young.

Dependence on the mercy of teachers and tutors is not a wise policy. A small sacrifice of parents may protect the future of the nation from moral disasters. Moral and ethical learning do not come from advice, sermons and precepts but from parents and personal examples of good behaviors. All children need to be loved, well cared, kissed and hugged. Islam sees that if parents fulfill their duties towards all their children in terms of providing them with necessary training, educational backing, moral, ethical and religious education, this will definitely lead to a more caring child, a better family atmosphere and a better social environment and awareness. (*Ahmed, 2011, P.20*)

In all types of normal and abnormal situation, children deserve to get good conducts and behaviors by the guardians. The following Hadith indicates “Every one of you is a guardian, and everyone of you is a responsible for his flock: the father is in charge for his household, and is responsible for those in his charge, and the wife is in charge of her husband’s household, and is responsible for those in her charge”.(Bukhari, P.82, 98) So, a guardian cannot do any unwanted behavior with the child: “And spend in the cause of Allah and do not throw yourselves in the destruction and do well. Truly, Allah loves the good doers.” (Surah Al Bakarha, Ayat No. 195)

Prophet (s) attracts the mind of the guardians (An Nasai, 1411 H, P.374): For proper nursing of the child, the major responsibility goes to the father. In case of family disputes or any internal problem father should arrange and provide the basic needs of the child. The Quran says: “The mother should give suck to their children for whole two years for those who desire to complete the term of suckling, but the father of the child shall bear the cost of the mother’s food and clothing on a reasonable basis. No person shall have a burden laid on him greater than he can bear. No mother shall be treated unfairly on account of her child, nor father on account of his child. And on the heir is incumbent the like of like of that. If they both decide on weaning by mutual consent and after due consultation, there is no sin on them. And if you decide on a foster suckling mother for your children, there is no sin on you, provided you what you agreed on reasonable basis. And fear Allah and know that Allah is All seer of what you do.” (Surah Al Bakarah, Ayat No. 233) If anyone marries a widow with a child, he should take the responsibility of the child of widow. (Al-Ustyuti, 1969, 251-253) The Quran says: “And on the heir is incumbent the like of like of that.” (Surah Al Bakarah, Ayat No. 233)

2. Right to get an ideal education

Islam declared that achieving education is a mandatory duty on Muslims. Prophet (s) says: “Searching knowledge is a duty for every Muslim. [Male and Female]” (Karim, Vol. P.353) It is the obligatory duty on the parents to train and teach their child. Educating the kids is compared with *Sadakah*. Prophet (s) says: “The teaching of good manners by a man to his son is better for him than to give a *S’aa* in charity.”(Karim, P.192) Islam emphasizes ethics and morality for the child and strongly focuses to build up the ideal and moral side of the children. Because child will be a grown up matured man. This man is the fundamental unit of

the society and state. “No father can give a better gift to his son than good manners, Prophet (s) says.”(*Karim, vol. 1, 2009, P.191*)

3. The attitude of Islam to build up the manner of the children:

The pre-condition of ideal and developed society is to build up the character of the child. The responsible person should give full attention to this important face. Because an ideal and welfare society needs a civilized generation. On the other hand, a naughty boy not only harms himself, rather it instigate others, instigates badly family, society and state. It brings misfortune for all. Islam emphasizes strongly to build up the abhorrence to the bad character like: gravity, telling a lie, fraud, backbiting, ignorance, unmindful, breaking commitment and jealousy. Beside these, we should teach them honesty, keeping commitment, benevolence, good conducts and behaviors with parents, relatives and neighbors. We also should teach the strong faith on Allah, Messenger, Angels, Quran and Hadith etc.

There is a proverb; “Character is lost, everything is lost”. So, without building humanitarian spirit in the mind of child, we cannot expect good tempered society and state. Prophet (s) attracts the attention of parents by the following Hadith: “There is nothing better for a parent to leave for his child [in inheritance] than good breeding.”(*Karim, vol.01, 2009, P.191*) According to Imam Gajali, parents will have to be careful about the friends of their child. Because, most of the children fall in addicts by the influence of friends. Prophet (s) indicates: “The right of a child on his parent is to be given good breeding and good name.”(*Karim, vol.01, 2009, P.192*)

4. Responsibility of relatives, neighbors and society:

Each and every person, organization and institution has responsibility to ensure security of the child from all aspects of life. In the age of darkness and ignorance, Prophet (s) boldly played a vital role to ensure the rights of children. He told: “A strong believer is better and is more loveable to Allah than a weak believer”. (*Muslim, P. 1401*) So, it proves sound health is more important before starting work, especially, mental, physical and psychological side also. If any father is not able to take the responsibility or he is not present then the duty goes to close relatives and neighbors. (*Zaman, Kamru, 2017, P.75*) Prophet instructed to feed the poor and to be affectionate to the orphan. (*Karim, Vol.03, P258*) He also compares this ideal activity with the warrior of Islam: “The one who looks after and works for a widow and for a poor person is like warrior fighting for Allah’s cause, like the one who prays all the night

without slackness and fast continuously and never breaks his fast.”(Muslim, P.228) By another tradition, Prophet (s) emphasizes on the duties of the relatives and neighbors to the poor children. Allah warns about the responsibility to them: “Nay! But you treat not the orphans with kindness and generosity! And urge not one another on the feeding of the poor!” (*Surah Al Fajr, Ayat No. 17-18*) He also encourages us to love back warded foundlings. “And they give food in spite of their love for to the poor, the orphan and the captive.” (*Surah Ad Dahr, Ayat No. 7*)

In few cases, relatives and neighbors are bound to take responsibility of the children who have no father, mother or whose parents are financially back warded. Specially, this responsibility goes to the rich relatives and neighbors. (*Assamarkandi, 1994, P.165*) According to a group Islamic scholar of Al-Azhar University “The state’s responsibility to provide for and protect children’s rights does not contradict nor replace the responsibility of the society to guarantee and protect these rights. Elucidating the rights of children in Islam and the stance of Islamic Sharia vis-à-vis the duties of parents to fulfill these rights, and warning parents against violating them or denying them to their children, is one of the main tasks of Islamic scholars. Of paramount importance too is the role of civil society institutions in observing and monitoring the state’s attention to securing the rights of children.”(*Abd al Hamim, 2005, P.25*)

5. Responsibility of state and international community

In absence of parents, relatives and neighbors; head of the state and government should take the responsibility of such children. Prophet (s.) says: “A dead man is debt to others used to be brought to Allah’s Apostle who would ask ‘has he left anything to reply his debts’? the Prophet (s) would after the funeral prayer for him; otherwise he would say to the Muslims, perform the funeral prayer for your friend. But when Allah helped the Prophet (s) to gain the victory, he said I am closer to the believer than themselves. So, if one of the believers dies in debt, I will repay it, but if he leaves wealth, it will be for his heirs.”(*Bukhari, P.217*) This Hadith proves that if father, relatives and neighbors are not able to take the responsibility of the children; in such situation, state should take the liability of these children.(*Zaman, Kamru, 2016, P.79*) In Muslim state poor, disable, milk child deserve to get all kinds of cost and expenditure from the fund of Baitulmal.(*Zaman, Kamru, 2016, P.79*) Prophet (s) reminds about the responsibility of the head of the state and government: “He who (dies and) leaves

behind some property, it is for his family members and who (dies and) leaves some debt or some dependent children, the repayment of debt and the provision of subsistence to his dependent children is my responsibility.” (*Ibn Majah, 2013, P.25-26*)

According to Al-Azhar University scholars: “they are also essential to coordinating cooperation between states in combating internationally organized crimes that violate the rights of children and endanger their lives, and in retrieving children who might be sold or smuggled across borders, or who are forced to flee a certain country and seek refuge in another because of armed conflicts and natural disasters. Measures should be taken in order to provide such children with the necessary care while preparations are made for their repatriation and unification with their families.” (*Abd Al Hamid, P. 26*)

Child labor is also another problem in the world, especially in the third world countries. In Bangladesh, many Muslim families appoint domestic helpers the children. It is a heinous act for the future of children. According to scholars “‘Child labor’ however, is something else; it refers to the exploitation of children in arduous or risky jobs that may endanger their lives or their health, or that may violate their other rights in terms of education and leisure. The worst form of child labor is that which constitutes a violation of basic human rights. One may include in this category coercing children to perform arduous tasks; this is a form of slavery whereby children are kidnapped, sold or trafficked across borders, and are sometimes sexually exploited or embroiled in crime.” (*Abd Al-Hamid, P.65*) It is forbidden in Islamic law to burden the children with physical hardships and hard labour because they slowdown their intellectual and physical growth. It is known all that there is no responsibility of children in Islam to earn wealth, but they have right to get pleasure in their early days and get schooling. Allah does not give human beings too much pain which is beyond their capacity. Conventional law, Child Affairs Ministry of the different countries, UNICEF and other organizations also make rules and law to stop child labor. (<https://www.ukessays.com>)

6. Responsibility to orphan, refugees, fatherless and floating child of the world:

In the Asian and African countries there are thousands of foundlings in refugee camps, rail way, bus and launch station and in slum also. Most of them are neglected by the concern authorities. In Bangladesh, lacs of Ruhinga Muslim foundlings children who are living under the sky are pushed by Myanmar government. What will be the future of these foundlings? We also know that Islam holds the state, government and regarding ministry directly responsible

for protecting foundlings from straying and merciless conditions. In Islamic jurisprudence, there is a section dealing with foundlings that details the rules regarded to caring the foundling. The attitude of Prophet (s.) enjoins us to treat these children with dignity, kindness and mercy. For that we are promised great rewards in this world and in the Hereafter. One of the traditions of Prophet (s.) teaches: “A person who touches with compassion the head of an orphan will be rewarded for each hair his hand touches. Whoever treats kindly a female or a male orphan who is under his sponsorship, I shall be his companion in Paradise. At that the Prophet, spaced apart his middle and index fingers.”(*Abd al Hamid, P.76*) Prophet (s) encourages the Muslim *Ummah*: “Sponsor of an orphan whether he is relative or not, I and he will be together in *Jannah* like this” The Narrator explained it, with the gesture by drawing his index fingers and middle fingers close together.”(*Muslim, P.947-948*)

Conclusion:

The teachings of Islam about the children are largely impractical in family and social life, even in Muslim family also. Many acts and rules made by parliament on child’s rights remain largely unimplemented in the third world countries especially Muslim countries. Specific budgetary allocation should be established for the development of child life nationally and internationally. State, Parliament, NGOs, social organizations, educational institutions and judiciary should be more active in saving child’s rights. Remaining laws, the High and Supreme Court guidelines inside the country and UN and Unicef’s instructions regarding children should be implemented. I believe that the better futures of the world depend on good childcare. Individual, social, national and international bodies should take this responsibility irrespective of caste, creed and religion. A person cannot differ between his children and others. To be brought up with bad environment the children can be the threats of the world. Peace and security of the world can be at risk. If the concern authorities and the regarded persons follow the instructions of Islam about children; happy and prosperity may prevail in earthly life.

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